



General Assembly

February Session, 2008

Raised Bill No. 5131

LCO No. 1460

01460_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

***AN ACT AMENDING THE STATUTES CONCERNING THE
DEPARTMENT OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) When the Department
2 of Children and Families makes an emergency placement of a child in
3 a home, the department may request a criminal justice agency to
4 perform a federal name-based criminal history search of each adult
5 residing in the home. The results of the name-based search may be
6 provided to the department.

7 (b) No later than fifteen calendar days after the date such name-
8 based search was conducted, the department may request the State
9 Police Bureau of Identification to perform state and national criminal
10 history records checks of any adult residing in the home, in accordance
11 with section 29-17a of the general statutes. Such criminal history
12 records checks shall be deemed as required by this section for
13 purposes of said section 29-17a and the department may request that
14 such records checks be performed on an expedited basis in accordance
15 with subsection (c) of said section 29-17a. If any adult residing in the
16 home fails to provide written permission for such criminal history

17 records checks or to provide fingerprints for purposes of such checks
18 when requested, the department shall immediately remove the child
19 from the home.

20 (c) If the department denies placement or removes a child from a
21 home based on the results of a name-based search pursuant to
22 subsection (a) of this section, the adult whose name-based search was
23 the basis for such denial or removal may contest such denial or
24 removal by requesting that a full criminal history records check be
25 performed in accordance with subsection (b) of this section.

26 (d) For purposes of this section, "emergency placement" means the
27 placement of a child by the Department of Children and Families in
28 the home of a private individual, including a neighbor, friend or
29 relative, as a result of the sudden unavailability of the child's primary
30 caretaker.

31 Sec. 2. Section 17a-28 of the 2008 supplement to the general statutes
32 is repealed and the following is substituted in lieu thereof (*Effective*
33 *October 1, 2008*):

34 (a) As used in this section:

35 (1) "Person" means (A) any individual named in a record,
36 maintained by the department, who (i) is presently or at any prior time
37 was a ward of or committed to the commissioner for any reason; (ii)
38 otherwise received services, voluntarily or involuntarily, from the
39 department; or (iii) is presently or was at any prior time the subject of
40 an investigation by the department; (B) [the] a parent whose parental
41 rights have not been terminated or current guardian of [a person, as
42 defined] an individual described in subparagraph (A) of this
43 subdivision, if such [person] individual is a minor; or (C) the
44 authorized representative of a person, as defined in subparagraph (A)
45 of this subdivision, if such person is deceased;

46 (2) "Attorney" means the licensed attorney authorized to assert the

47 confidentiality of or right of access to records of a person;

48 (3) "Authorized representative" means a parent, guardian, guardian
49 ad litem, attorney, conservator or other individual authorized to assert
50 the confidentiality of or right of access to records of a person;

51 (4) "Consent" means permission given in writing by a person, [his]
52 such person's attorney or [his] authorized representative to disclose
53 specified information, within a limited time period, regarding the
54 person to specifically identified individuals or entities;

55 (5) "Records" means information created or obtained in connection
56 with the department's child protection activities or other activities
57 related to a child while in the care or custody of the department,
58 including information in the registry of reports to be maintained by the
59 commissioner pursuant to section 17a-101k, [provided records which
60 are not created by the department are not subject to disclosure, except
61 as provided pursuant to subsection (f), (l) or (n) of this section] as
62 amended by this act;

63 (6) "Disclose" means (A) to provide an oral summary of records
64 maintained by the department to an individual, agency, corporation or
65 organization or (B) to allow an individual, agency, corporation or
66 organization to review or obtain copies of such records in whole, part
67 or summary form;

68 (7) "Near fatality" means an act, as certified by a physician, that
69 places a child in serious or critical condition.

70 (b) Notwithstanding the provisions of section 1-210 of the 2008
71 supplement to the general statutes, 1-211 or 1-213, records maintained
72 by the department shall be confidential and [shall not be disclosed.
73 Such records of any person] may only be disclosed, in whole or in part,
74 to any individual, agency, corporation or organization with the
75 consent of the person or as provided in this section. Any unauthorized
76 disclosure shall be punishable by a fine of not more than one thousand

77 dollars or imprisonment for not more than one year, or both.

78 [(c) When information concerning an incident of abuse or neglect
79 has been made public or when the commissioner reasonably believes
80 publication of such information is likely, the commissioner or the
81 commissioner's designee may disclose, with respect to an investigation
82 of such abuse or neglect: (1) Whether the department has received a
83 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
84 section 17a-103, and (2) in general terms, any action taken by the
85 department, provided (A) the names or other individually identifiable
86 information of the minor victim or other family member is not
87 disclosed, and (B) the name or other individually identifiable
88 information of the person suspected to be responsible for the abuse or
89 neglect is not disclosed unless the person has been arrested for a crime
90 due to such abuse or neglect.

91 (d) The commissioner shall make available to the public, without
92 the consent of the person, information in general terms or findings
93 concerning an incident of abuse or neglect which resulted in a child
94 fatality or near fatality of a child, provided disclosure of such
95 information or findings does not jeopardize a pending investigation.]

96 (c) Notwithstanding any provision of the general statutes, records
97 that (1) contain privileged communications, or (2) are confidential
98 pursuant to any federal law or regulation shall not be disclosed, except
99 as authorized by law.

100 (d) Any information disclosed from a person's record shall not be
101 disclosed further without the written consent of the person, except if
102 disclosed pursuant to an order of a court of competent jurisdiction.

103 (e) The commissioner shall, upon written request, disclose the
104 following information concerning agencies licensed by the Department
105 of Children and Families, except foster care parents, relatives of the
106 child who are certified to provide foster care or prospective adoptive
107 families: (1) The name of the licensee; (2) the date the original license

108 was issued; (3) the current status of the license; (4) whether an agency
109 investigation or review is pending or has been completed; and (5) any
110 licensing action taken by the department at any time during the period
111 such license was issued and the reason for such action, provided
112 disclosure of such information will not jeopardize a pending
113 investigation.

114 [(f) The commissioner or the commissioner's designee shall, upon
115 request, promptly provide copies of records, without the consent of a
116 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
117 or the Chief State's Attorney's designee, or a state's attorney for the
118 judicial district in which the child resides or in which the alleged abuse
119 or neglect occurred, or the state's attorney's designee, for purposes of
120 investigating or prosecuting an allegation of child abuse or neglect, (3)
121 the attorney appointed to represent a child in any court in litigation
122 affecting the best interests of the child, (4) a guardian ad litem
123 appointed to represent a child in any court in litigation affecting the
124 best interests of the child, (5) the Department of Public Health, which
125 licenses any person to care for children for the purposes of
126 determining suitability of such person for licensure, subject to the
127 provisions of sections 17a-101g and 17a-101k, (6) any state agency
128 which licenses such person to educate or care for children pursuant to
129 section 10-145b or 17a-101j, subject to the provisions of sections 17a-
130 101g and 17a-101k concerning nondisclosure of findings of
131 responsibility for abuse and neglect, (7) the Governor, when requested
132 in writing, in the course of the Governor's official functions or the
133 Legislative Program Review and Investigations Committee, the joint
134 standing committee of the General Assembly having cognizance of
135 matters relating to the judiciary and the select committee of the
136 General Assembly having cognizance of matters relating to children
137 when requested in the course of said committees' official functions in
138 writing, and upon a majority vote of said committee, provided no
139 names or other identifying information shall be disclosed unless it is
140 essential to the legislative or gubernatorial purpose, (8) a local or
141 regional board of education, provided the records are limited to

142 educational records created or obtained by the state or Connecticut-
143 Unified School District #2, established pursuant to section 17a-37, (9) a
144 party in a custody proceeding under section 17a-112 or 46b-129, in the
145 Superior Court where such records concern a child who is the subject
146 of the proceeding or the parent of such child, (10) the Chief Child
147 Protection Attorney, or his or her designee, for purposes of ensuring
148 competent representation by the attorneys whom the Chief Child
149 Protection Attorney contracts with to provide legal and guardian ad
150 litem services to the subjects of such records and to ensure accurate
151 payments for services rendered by such contract attorneys, and (11)
152 the Department of Motor Vehicles, for purposes of checking the state's
153 child abuse and neglect registry pursuant to subsection (e) of section
154 14-44. A disclosure under this section shall be made of any part of a
155 record, whether or not created by the department, provided no
156 confidential record of the Superior Court shall be disclosed other than
157 the petition and any affidavits filed therewith in the superior court for
158 juvenile matters, except upon an order of a judge of the Superior Court
159 for good cause shown. The commissioner shall also disclose the name
160 of any individual who cooperates with an investigation of a report of
161 child abuse or neglect to such law enforcement agency or state's
162 attorney for purposes of investigating or prosecuting an allegation of
163 child abuse or neglect. The commissioner or the commissioner's
164 designee shall, upon request, subject to the provisions of sections 17a-
165 101g and 17a-101k, promptly provide copies of records, without the
166 consent of the person, to (A) the Department of Public Health for the
167 purpose of determining the suitability of a person to care for children
168 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82
169 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social
170 Services for determining the suitability of a person for any payment
171 from the department for providing child care.

172 (g) When the commissioner or his designee determines it to be in a
173 person's best interest, the commissioner or his designee may disclose
174 records, whether or not created by the department and not otherwise
175 privileged or confidential communications under state or federal law,

176 without the consent of a person to:

177 (1) Multidisciplinary teams which are formed to assist the
178 department in investigation, evaluation or treatment of child abuse
179 and neglect cases or a multidisciplinary provider of professional
180 treatment services under contract with the department for a child
181 referred to the provider;

182 (2) Any agency in another state which is responsible for
183 investigating or protecting against child abuse or neglect for the
184 purpose of investigating a child abuse case;

185 (3) An individual, including a physician, authorized pursuant to
186 section 17a-101f to place a child in protective custody if such
187 individual has before him a child whom he reasonably suspects may
188 be a victim of abuse or neglect and such individual requires the
189 information in a record in order to determine whether to place the
190 child in protective custody;

191 (4) An individual or public or private agency responsible for a
192 person's care or custody and authorized by the department to
193 diagnose, care for, treat or supervise a child who is the subject of a
194 record of child abuse or neglect or a public or private agency
195 responsible for a person's education for a purpose related to the
196 individual's or agency's responsibilities;

197 (5) The Attorney General or any assistant attorney general
198 providing legal counsel for the department;

199 (6) Individuals or public or private agencies engaged in medical,
200 psychological or psychiatric diagnosis or treatment of a person
201 perpetrating the abuse or who is unwilling or unable to protect the
202 child from abuse or neglect when the commissioner or his designee
203 determines that the disclosure is needed to accomplish the objectives
204 of diagnosis or treatment;

205 (7) A person who reports child abuse pursuant to sections 17a-101a

206 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse
207 involving the subject child, provided the information disclosed is
208 limited to (A) the status of the investigation and (B) in general terms,
209 any action taken by the department;

210 (8) An individual conducting bona fide research, provided no
211 information identifying the subjects of records shall be disclosed
212 unless (A) such information is essential to the purpose of the research;
213 (B) each person identified in a record or his authorized representative
214 has authorized such disclosure in writing; and (C) the department has
215 given written approval;

216 (9) The Auditors of Public Accounts or their representative,
217 provided no information identifying the subjects of the records shall be
218 disclosed unless such information is essential to an audit conducted
219 pursuant to section 2-90;

220 (10) The Department of Social Services, provided the information
221 disclosed is necessary to promote the health, safety and welfare of the
222 child;

223 (11) A judge of the Superior Court for purposes of determining the
224 appropriate disposition of a child convicted as delinquent or a child
225 who is a member of a family with service needs; and

226 (12) The superintendents, or their designees, of state-operated
227 facilities within the department.

228 (h) The commissioner or his designee may disclose the name,
229 address and fees for services to a person, to individuals or agencies
230 involved in the collection of fees for such services, except as provided
231 in section 17b-225. In cases where a dispute arises over such fees or
232 claims or where additional information is needed to substantiate the
233 fee or claim, such disclosure of further information shall be limited to
234 the following: (1) That the person was in fact committed to or
235 otherwise served by the department; (2) dates and duration of service;

236 and (3) a general description of the service, which shall include
237 evidence that a service or treatment plan exists and has been carried
238 out and evidence to substantiate the necessity for admission and
239 length of stay in any institution or facility.

240 (i) Notwithstanding the provisions of subsections (f) and (l) of this
241 section, the name of an individual reporting child abuse or neglect
242 shall not be disclosed without his written consent except to (1) an
243 employee of the department responsible for child protective services or
244 the abuse registry; (2) a law enforcement officer; (3) an appropriate
245 state's attorney; (4) an appropriate assistant attorney general; (5) a
246 judge of the Superior Court and all necessary parties in a court
247 proceeding pursuant to section 46b-129, or a criminal prosecution
248 involving child abuse or neglect; or (6) a state child care licensing
249 agency, executive director of any institution, school or facility or
250 superintendent of schools pursuant to section 17a-101i.

251 (j) Notwithstanding the provisions of subsection (g) of this section,
252 the name of any individual who cooperates with an investigation of a
253 report of child abuse or neglect shall be kept confidential upon request
254 or upon determination by the department that disclosure of such
255 information may be detrimental to the safety or interests of the
256 individual, except the name of any such individual shall be disclosed
257 to the persons listed in subsection (i) of this section.

258 (k) Notwithstanding the confidentiality provisions of this section,
259 the commissioner, upon request of an employee, shall disclose such
260 records to such employee or his authorized representative which
261 would be applicable and necessary for the purposes of an employee
262 disciplinary hearing or appeal from a decision after such hearing.

263 (l) Information disclosed from a person's record shall not be
264 disclosed further without the written consent of the person, except if
265 disclosed to a party or his counsel pursuant to an order of a court in
266 which a criminal prosecution or an abuse, neglect, commitment or
267 termination proceeding against the party is pending. A state's attorney

268 shall disclose to the defendant or his counsel in a criminal prosecution,
269 without the necessity of a court order, exculpatory information and
270 material contained in such record and may disclose, without a court
271 order, information and material contained in such record which could
272 be the subject of a disclosure order. All written records disclosed to
273 another individual or agency shall bear a stamp requiring
274 confidentiality in accordance with the provisions of this section. Such
275 material shall not be disclosed to anyone without written consent of
276 the person or as provided by this section. A copy of the consent form
277 specifying to whom and for what specific use the record is disclosed or
278 a statement setting forth any other statutory authorization for
279 disclosure and the limitations imposed thereon shall accompany such
280 record. In cases where the disclosure is made orally, the individual
281 disclosing the information shall inform the recipient that such
282 information is governed by the provisions of this section.

283 (m) In addition to the right of access provided in section 1-210, any
284 person, regardless of age, his authorized representative or attorney
285 shall have the right of access to any records made, maintained or kept
286 on file by the department, whether or not such records are required by
287 any law or by any rule or regulation, when those records pertain to or
288 contain information or materials concerning the person seeking access
289 thereto, including but not limited to records concerning investigations,
290 reports, or medical, psychological or psychiatric examinations of the
291 person seeking access thereto, provided that (1) information
292 identifying an individual who reported abuse or neglect of a person,
293 including any tape recording of an oral report pursuant to section 17a-
294 103, shall not be released unless, upon application to the Superior
295 Court by such person and served on the Commissioner of Children
296 and Families, a judge determines, after in camera inspection of
297 relevant records and a hearing, that there is reasonable cause to believe
298 the reporter knowingly made a false report or that other interests of
299 justice require such release; and (2) if the commissioner determines
300 that it would be contrary to the best interests of the person or his
301 authorized representative or attorney to review the records, he may

302 refuse access by issuing to such person or representative or attorney a
303 written statement setting forth the reasons for such refusal, and advise
304 the person, his authorized representative or attorney of the right to
305 seek judicial relief. When any person, attorney or authorized
306 representative, having obtained access to any record, believes there are
307 factually inaccurate entries or materials contained therein, he shall
308 have the unqualified right to add a statement to the record setting
309 forth what he believes to be an accurate statement of those facts, and
310 said statement shall become a permanent part of said record.

311 (n) (1) Any person, attorney or authorized representative aggrieved
312 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or
313 of subsection (m) of this section, except subdivision (2) of said
314 subsection (m), may seek judicial relief in the same manner as
315 provided in section 52-146j; (2) any person, attorney or authorized
316 representative denied access to records by the commissioner under
317 subdivision (2) of subsection (m) of this section may petition the
318 superior court for the venue district provided in section 46b-142 in
319 which the person resides for an order requiring the commissioner to
320 permit access to those records, and the court after hearing, and an in
321 camera review of the records in question, shall issue such an order
322 unless it determines that to permit such access would be contrary to
323 the best interests of the person or authorized representative.

324 (o) The commissioner shall promulgate regulations pursuant to
325 chapter 54, within one year of October 1, 1996, to establish procedures
326 for access to and disclosure of records consistent with the provisions of
327 this section.]

328 (f) The name of any individual who reports suspected abuse or
329 neglect of a child or youth or cooperates with an investigation of child
330 abuse or neglect shall be kept confidential upon request or upon
331 determination by the department that disclosure of such information
332 may be detrimental to the safety or interests of the individual, except
333 the name of any such individual shall be disclosed (1) to (A) an

334 employee of the department for reasons reasonably related to the
335 business of the department; (B) a law enforcement officer for purposes
336 of investigating abuse or neglect of a child or youth; (C) a state's
337 attorney for purposes of investigating or prosecuting abuse or neglect
338 of a child; (D) an assistant attorney general or other legal counsel
339 representing the department; (E) a judge of the Superior Court and all
340 necessary parties in a court proceeding pursuant to section 17a-112, as
341 amended by this act, or section 46b-129 of the 2008 supplement to the
342 general statutes, or a criminal prosecution involving child abuse or
343 neglect; (F) a state child care licensing agency; or (G) the executive
344 director of any institution, school or facility or superintendent of
345 schools pursuant to section 17a-101i; and (2) in accordance with the
346 provisions of subparagraph (B) of subdivision (1) of subsection (g) of
347 this section.

348 (g) The department, subject to subsection (c) of this section, shall
349 disclose records without the consent of the person who is the subject of
350 the record to:

351 (1) A person who is named in the record or such person's
352 authorized representative, provided (A) such person only has access to
353 information about such person or such person's biological or adoptive
354 minor children and provided such person's parental rights to such
355 children have not been terminated; and (B) information identifying an
356 individual who reported abuse or neglect of a person, including any
357 tape recording of an oral report pursuant to section 17a-103, is not
358 disclosed unless, upon application to the Superior Court by such
359 person and served on the Commissioner of Children and Families, a
360 judge determines after an in camera inspection of relevant records and
361 a hearing, that there is reasonable cause to believe the reporter
362 knowingly made a false report or that other interests of justice require
363 such disclosure;

364 (2) Any employee of the department for any purpose reasonably
365 related to the business of the department;

366 (3) A guardian ad litem or attorney appointed to represent a child or
367 youth in any court in litigation affecting the best interests of the child
368 or youth;

369 (4) An employee or former employee of the department or such
370 employee or former employee's authorized representative for purposes
371 of participating in litigation in any court or in any administrative or
372 disciplinary hearing or other proceeding or appeal from decision after
373 such hearing, provided such disclosure shall be limited to those
374 records that are applicable and necessary for the purpose of such
375 hearing or appeal, as determined by the department;

376 (5) The Attorney General, any assistant attorney general or any
377 other legal counsel retained to represent the department during the
378 course of a legal proceeding involving the department or an individual
379 employee of the department;

380 (6) The Child Advocate or the Child Advocate's designee;

381 (7) The Chief Child Protection Attorney or the Chief Child
382 Protection Attorney's designee;

383 (8) The Chief State's Attorney or the Chief State's Attorney's
384 designee for purposes of investigating or prosecuting an allegation of
385 child abuse or neglect;

386 (9) Any state or federal law enforcement officer for purposes of
387 investigating an allegation of child abuse or neglect;

388 (10) Multidisciplinary teams pursuant to the provisions of section
389 17a-106a;

390 (11) Any provider of professional services for a child or youth or
391 parent referred to the provider, provided disclosure is limited to such
392 information necessary to provide services to the child or youth or
393 parent;

394 (12) Any individual or agency under contract with the department
395 for the purpose of identifying and assessing potential foster or
396 prospective adoptive homes for a child or youth who is the subject of
397 the record, provided no information that identifies a biological parent
398 of a child or youth is further disclosed without the permission of such
399 biological parent;

400 (13) Any foster parent or prospective adoptive parent, if the records
401 pertain to a child or youth currently placed with the foster or
402 prospective adoptive parent, or a child or youth being considered for
403 placement with the foster or prospective adoptive parent and the
404 records relate to the social, medical, psychological or educational
405 needs of the child or youth, provided no information identifying a
406 biological parent is disclosed without the permission of such biological
407 parent;

408 (14) The Governor, when requested in writing, in the course of the
409 Governor's official functions, or the Legislative Program Review and
410 Investigations Committee, the joint standing committees of the General
411 Assembly having cognizance of matters relating to human services and
412 the judiciary and the select committee of the General Assembly having
413 cognizance of matters relating to children, when requested in writing,
414 in the course of such committees' official functions, and upon a
415 majority vote of said committees, provided no names or other
416 identifying information is disclosed unless it is essential to the
417 gubernatorial or legislative purpose;

418 (15) The Department of Public Health, subject to the provisions of
419 sections 17a-101g and 17a-101k, as amended by this act, for the
420 purpose of (A) determining the suitability of a person to care for
421 children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-
422 87b of the 2008 supplement to the general statutes; or (B) determining
423 the suitability of such person for licensure;

424 (16) The Department of Social Services, subject to the provisions of
425 sections 17a-101g and 17a-101k, as amended by this act, for the

426 purpose of (A) determining the suitability of a person for any payment
427 from the Department of Social Services for providing child care; or (B)
428 promoting the health, safety and welfare of the child or youth;

429 (17) The Department of Developmental Services for the purposes of
430 eligibility and enrollment of clients in the voluntary services program
431 operated by the Department of Developmental Services;

432 (18) Any state agency which licenses or certifies a person to educate
433 or care for children or youth, subject to the provisions of sections 17a-
434 101g and 17a-101k, as amended by this act, concerning nondisclosure
435 of findings of responsibility for abuse and neglect;

436 (19) Any individual, including a physician, authorized pursuant to
437 section 17a-101f, to place a child or youth in protective custody if such
438 individual has before him or her a child or youth whom the individual
439 reasonably suspects may be the victim of abuse or neglect and such
440 individual requires the information in a record in order to determine
441 whether to place the child or youth in protective custody;

442 (20) An individual who reports child abuse pursuant to sections
443 17a-101a to 17a-101c, inclusive, and 17a-103, who made a report of
444 abuse involving the subject child or youth, provided the information
445 disclosed is limited to (A) the status of the investigation; and (B) in
446 general terms, any action taken by the department;

447 (21) Any employee of the Board of Pardons and Paroles, the
448 Department of Correction or the Judicial Branch for the purpose of
449 assessing treatment needs and determining terms or conditions of
450 pretrial release, pretrial or postdisposition detention or incarceration,
451 probation or parole;

452 (22) A judge of the Superior Court or Probate Court and all
453 necessary parties in a custody proceeding where such records concern
454 the child or youth who is the subject of the proceeding or the parent of
455 such child or youth;

456 (23) A judge of the Superior Court for purposes of determining the
457 appropriate disposition of a child convicted as delinquent or a child
458 who is a member of a family with service needs, or a judge of the
459 Superior Court in a criminal prosecution for purposes of in camera
460 inspection whenever (A) the court has ordered that the record be
461 provided to the court; or (B) a party to the proceeding has issued a
462 subpoena for the record;

463 (24) Individuals or public or private agencies engaged in medical,
464 psychological or psychiatric diagnosis or treatment of a person who
465 has perpetrated abuse or neglect or who is unwilling or unable to
466 protect the child or youth from abuse or neglect when the
467 commissioner, or the commissioner's designee, determines that the
468 disclosure is needed to accomplish the objectives of diagnosis or
469 treatment;

470 (25) Any court or public agency in another state or a federally
471 recognized Indian tribe, which is responsible for investigating or
472 protecting children against child abuse or neglect or providing services
473 to families at risk of abuse or neglect, for the purpose of investigating
474 or protecting children against abuse or neglect or providing services to
475 such family;

476 (26) An individual conducting bona fide research, provided no
477 information identifying the subjects of record is disclosed unless (A)
478 such information is essential to the purpose of the research; and (B) the
479 department has given written approval;

480 (27) The Auditors of Public Accounts or their representative,
481 provided no information identifying the subjects of the record is
482 disclosed unless such information is essential to an audit conducted
483 pursuant to section 2-90;

484 (28) Individuals or agencies involved in the collection of fees for
485 services, provided such information is limited to the name and address
486 of the person who received the services and the fees for services,

487 except as provided in section 17b-225 of the 2008 supplement. In cases
488 where a dispute arises over such fees or claims or where additional
489 information is needed to substantiate the fee or claim, such disclosure
490 of further information shall be limited to the following: (A) That the
491 person was, in fact, provided services by the department; (B) dates and
492 duration of service; and (C) a general description of the service, which
493 includes evidence that a service or treatment plan exists and has been
494 carried out, and evidence to substantiate the necessity for admission
495 and length of stay in any institution or facility; and

496 (29) A local or regional board of education, provided the records are
497 limited to educational records created or obtained by the state or
498 Connecticut-Unified School District #2, established pursuant to section
499 17a-37.

500 (h) The department, subject to subsection (c) of this section, may
501 disclose records without the consent of the person who is the subject of
502 the record to:

503 (1) A law enforcement officer or state's attorney if there is
504 reasonable cause to believe that a child or youth is being abused or
505 neglected or at risk of being abused or neglected as a result of any
506 suspected criminal activity by any person;

507 (2) Any individual interviewed as part of an investigation
508 conducted pursuant to section 17a-101g, who is not otherwise entitled
509 to such information provided such information, is limited to: (A) The
510 general nature of the allegations contained in the reports; (B) the
511 identity of the child or youth alleged to have been abused or neglected;
512 (C) the identity of the alleged perpetrator; and (D) information
513 necessary to further the course of the investigation;

514 (3) School employees who (A) are mental health professionals, as
515 described in section 10-76t, or (B) have direct responsibility for
516 implementing the educational program of the child or youth receiving
517 services from the department, provided such disclosure is limited to

518 information reasonably necessary to provide educational services to
519 the child or youth;

520 (4) Any individual, when information concerning an incident of
521 abuse or neglect has been made public or the commissioner reasonably
522 believes publication of such information is likely, provided such
523 disclosure is limited to: (A) Whether the department has received a
524 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
525 section 17a-103; (B) in general terms, any action taken by the
526 department, provided: (i) Names or other individually identifiable
527 information of the minor victim or other family members is not
528 disclosed, regardless of whether such individually identifiable
529 information is otherwise available, and (ii) the name or other
530 individually identifiable information of the person suspected to be
531 responsible for the abuse or neglect is not disclosed unless such person
532 has been arrested for a crime due to such abuse or neglect; (C)
533 confirmation or denial of the accuracy of information that has been
534 made public; and (D) in general terms, the legal status of the case;

535 (5) Any individual for the purpose of locating a missing parent,
536 child or youth, provided such disclosure is limited to information that
537 assists in locating such missing parent, child or youth;

538 (6) Any individual, when the information or findings concern an
539 incident of abuse or neglect that resulted in a child or youth fatality or
540 near fatality of a child or youth, and provided disclosure of such
541 information or findings is in general terms and does not jeopardize a
542 pending investigation;

543 (7) A court of competent jurisdiction whenever an employee of the
544 department is subpoenaed and ordered to testify about such records;
545 and

546 (8) Individuals not employed by the department who arrange,
547 perform or assist in performing functions or activities on behalf of the
548 department, including, but not limited to, data analysis, processing or

549 administration, utilization reviews, quality assurance, practice
550 management, consultation, data aggregation and accreditation
551 services.

552 (i) Notwithstanding the provisions of subsections (e) to (h),
553 inclusive, of this section, the department may refuse to disclose records
554 to any individual provided the department gives such individual
555 notice (1) that records are being withheld, (2) of the general nature of
556 the records being withheld, (3) of the department's reason for refusing
557 to disclose the records, and (4) of the individual's right to judicial relief
558 pursuant to subsection (j) of this section.

559 (j) Any person or the person's authorized representative, (1)
560 aggrieved by a violation of subsection (b), (d), (f) to (h), inclusive, or (l)
561 of this section may seek judicial relief in the manner prescribed in
562 section 52-146j; or (2) denied access to records by the department
563 under subsection (i) of this section, may petition the Superior Court for
564 juvenile matters for the venue district, established pursuant to section
565 46b-142, in which the person resides for an order requiring the
566 commissioner to permit access to those records, and the court, after
567 hearing and an in camera review of the records in question, shall issue
568 such order unless it determines that permitting such disclosure of all
569 or any portion of the record (A) would be contrary to the best interests
570 of the person, the person's authorized representative or the person
571 who is the subject of the record; (B) could reasonably result in the risk
572 of harm to any person; or (C) would contravene the public policy of
573 the state.

574 (k) A party to a civil proceeding may petition the Superior Court for
575 juvenile matters for the venue district, established pursuant to section
576 46b-142, in which the party resides for an order authorizing disclosure
577 of the record of another party to the civil proceeding, provided the
578 court, after in camera inspection, finds the records are material and
579 relevant to those proceedings and that good cause exists to disclose
580 such records. For purposes of this subsection, good cause exists, but is

581 not limited to, situations in which there are no other available means of
582 obtaining the information sought in such record by the party seeking
583 such record.

584 (l) All written records disclosed to another individual or agency
585 shall bear a stamp requiring confidentiality in accordance with the
586 provisions of this section. Such material shall not be disclosed to
587 anyone without written consent of the person or as provided by this
588 section. A copy of the consent form, specifying to whom and for what
589 specific use the record is disclosed or a statement setting forth any
590 other statutory authorization for disclosure and the limitations
591 imposed on such disclosure, shall accompany such record. In cases
592 where the disclosure is made orally, the individual disclosing the
593 information shall inform the recipient that such information is
594 governed by the provisions of this section.

595 (m) When any person, attorney or authorized representative, having
596 obtained access to any record, believes there are factually inaccurate
597 entries or materials contained in such record, such person may add a
598 statement to the record setting forth what such person believes to be an
599 accurate statement of those facts and said statement shall become a
600 permanent part of such record.

601 Sec. 3. Subsection (a) of section 17a-112 of the general statutes is
602 repealed and the following is substituted in lieu thereof (*Effective*
603 *October 1, 2008*):

604 (a) In respect to any child in the custody of the Commissioner of
605 Children and Families in accordance with section 46b-129, section 45a-
606 607 of the 2008 supplement to the general statutes or section 45-610,
607 either the commissioner, or the attorney who represented such child in
608 a pending or prior proceeding, or an attorney appointed by the
609 Superior Court on its own motion, or an attorney retained by such
610 child after attaining the age of fourteen, may petition the court for the
611 termination of parental rights with reference to such child. The petition
612 shall be in the form and contain the information set forth in subsection

613 (b) of section 45a-715, and be subject to the provisions of subsection (c)
614 of said section. If a petition indicates that either or both parents
615 consent to the termination of their parental rights, or if at any time
616 following the filing of a petition and before the entry of a decree, a
617 parent consents to the termination of the parent's parental rights, each
618 consenting parent shall acknowledge such consent on a form
619 promulgated by the Office of the Chief Court Administrator
620 evidencing that the parent has voluntarily and knowingly consented to
621 the termination of such parental rights. No consent to termination by a
622 mother shall be executed within forty-eight hours immediately after
623 the birth of such mother's child. A parent who is a minor shall have the
624 right to consent to termination of parental rights and such consent
625 shall not be voidable by reason of such minority. A guardian ad litem
626 shall be appointed by the court to assure that such minor parent is
627 giving an informed and voluntary consent.

628 Sec. 4. Section 45a-608 of the general statutes is repealed and the
629 following is substituted in lieu thereof (*Effective October 1, 2008*):

630 Any person or organization awarded the temporary custody of a
631 minor under section 45a-607 of the 2008 supplement to the general
632 statutes, shall have the following rights and duties regarding the
633 minor: (1) The obligation of care and control; (2) the authority to make
634 decisions regarding routine medical treatment or school counseling
635 and emergency medical, psychological, psychiatric or surgical
636 treatment; and (3) other rights and duties which the court of probate
637 having jurisdiction may approve. A party shall have the right to move
638 that the matter be transferred to the Superior Court for juvenile
639 matters in accordance with the provisions of section 45a-623, as
640 amended by this act.

641 Sec. 5. Section 45a-623 of the general statutes is repealed and the
642 following is substituted in lieu thereof (*Effective October 1, 2008*):

643 In any proceeding under sections 45a-603 to 45a-622, inclusive, that
644 is contested, the Court of Probate shall, upon motion of any party other

645 than a party who made application for the removal of a parent as a
646 guardian, under rules adopted by the judges of the Supreme Court, or
647 upon motion of the Department of Children and Families whether or
648 not said department has been awarded temporary custody or
649 guardianship of the child, transfer the case to the Superior Court. In
650 addition to the provisions of this section, the Court of Probate may, on
651 the court's own motion or that of any interested party, transfer any
652 proceeding under sections 45a-603 to 45a-622, inclusive, to another
653 judge of probate, which judge shall be appointed by the Probate Court
654 Administrator from a panel of qualified probate judges who specialize
655 in children's matters. Such panel shall be proposed by the Probate
656 Court Administrator and approved by the executive committee of the
657 Connecticut Probate Assembly. If the case is transferred and venue
658 altered, the clerk of the Court of Probate shall transmit to the clerk of
659 the Superior Court, or the probate court to which the case was
660 transferred, the original files and papers in the case.

661 Sec. 6. Section 17a-59 of the general statutes is repealed and the
662 following is substituted in lieu thereof (*Effective July 1, 2008*):

663 (a) Not more than twenty-four hours after taking physical custody
664 of the infant the designated employee shall notify, in accordance with
665 the provisions of sections 17a-101a to 17a-101d, inclusive, the
666 Department of Children and Families of such custody.

667 (b) The Commissioner of Children and Families shall assume the
668 care and control of the infant immediately upon receipt of notice under
669 subsection (a) of this section. [and] Any infant in the care and control
670 of the commissioner under the provisions of this section shall be
671 considered to be in the custody of the department and the department
672 shall take any action authorized under state law to achieve safety and
673 permanency for the infant, including institution of legal proceedings
674 for guardianship or termination of parental rights and notification of
675 such legal proceedings to any parent of the child whose identity is
676 known to the department.

677 [(c) Any infant in the care and control of the commissioner under
678 the provisions of this section shall be considered to be in the custody of
679 the department.]

680 Sec. 7. Section 17a-60 of the general statutes is repealed and the
681 following is substituted in lieu thereof (*Effective July 1, 2008*):

682 (a) If a person claiming to be a parent or agent of an infant left with
683 a designated employee under section 17a-58 submits a request to the
684 Commissioner of Children and Families for reunification with the
685 infant, the commissioner may identify, contact and investigate such
686 person or agent to determine if such reunification is appropriate or if
687 the parental rights of the parent should be terminated.

688 (b) Information concerning a parent or agent or infant left with a
689 designated employee shall [be confidential] not be disclosed by the
690 designated employee, if so requested by the parent or agent, except
691 that notwithstanding any provision of the general statutes, such
692 employee shall provide to the Commissioner of Children and Families
693 all medical history information provided by the parent.

694 (c) Possession of a bracelet linking the parent or agent to an infant
695 left with a designated employee if parental rights have not been
696 terminated creates a presumption the parent or person has standing to
697 participate in a custody hearing for the infant under chapter 319a and
698 does not create a presumption of maternity, paternity or custody.

699 Sec. 8. Subdivision (1) of subsection (c) of section 17a-101k of the
700 general statutes is repealed and the following is substituted in lieu
701 thereof (*Effective October 1, 2008*):

702 (c) (1) Following a request for appeal, the commissioner or the
703 commissioner's designee shall conduct an internal review of the
704 recommended finding to be completed no later than thirty days after
705 the request for appeal is received by the department. The
706 commissioner or the commissioner's designee shall review all relevant

707 information relating to the recommended finding, to determine
708 whether the recommended finding is factually or legally deficient and
709 ought to be reversed. Prior to the review, the commissioner shall
710 provide the individual access to all relevant documents in the
711 possession of the commissioner regarding the finding of responsibility
712 for abuse or neglect of a child, as provided in [subsection (m) of]
713 section 17a-28 of the 2008 supplement to the general statutes, as
714 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	17a-28
Sec. 3	<i>October 1, 2008</i>	17a-112(a)
Sec. 4	<i>October 1, 2008</i>	45a-608
Sec. 5	<i>October 1, 2008</i>	45a-623
Sec. 6	<i>July 1, 2008</i>	17a-59
Sec. 7	<i>July 1, 2008</i>	17a-60
Sec. 8	<i>October 1, 2008</i>	17a-101k(c)(1)

Statement of Purpose:

To make technical and other revisions to laws governing the Department of Children and Families regarding emergency placement of children, access to records, transfer of termination of parental right cases and the department's role and responsibility in Safe Havens cases.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]